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**Committee on Economic, Social and Cultural Rights**  
**Sixty-fourth session****Summary record of the 31st meeting**

Held at the Palais des Nations, Geneva, on Tuesday, 25 September 2018, at 10 a.m.

*Chair:* Ms. Bras Gomes

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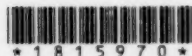
*Sixth periodic report of Germany*

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*The meeting was called to order at 10 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

*Sixth periodic report of Germany (E/C.12/DEU/6; E/C.12/DEU/Q/6 and E/C.12/DEU/Q/6/Add.1)*

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

2. **Mr. Boehning** (Germany) said that his Government remained firmly committed to multilateralism and upholding economic, social and cultural rights. Germany acknowledged the importance of defending the achievements of the United Nations and protecting the human rights system in the face of mounting challenges such as globalization, demographic shifts, migration, digital transformation and climate change. In times of increasing populism and nationalism, it remained paramount to strengthen the United Nations system.

3. The Government had taken steps to uphold its obligations under the Covenant both internationally and nationally. At the international level, Germany had supported the mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation and the Human Rights Council resolution on the right to work, and had promoted human rights as a guiding principle in its international development activities. It had also placed great emphasis on implementing the various International Labour Organization standards, including measures to combat violence and harassment in the workplace. At the national level, the Government had continued its efforts to implement the provisions of the Covenant and had made good progress. New approaches had been adopted to address any remaining gaps and build even greater cooperation and consensus between the Government, civil society and social partners.

4. The Government had relaunched the process to consider the ratification of the Optional Protocol. Given the complexity of the issue and the number of stakeholders involved, a positive outcome would require strong political will. The Government would proceed to examine the compatibility of the Optional Protocol with national legislation, including on issues such as the right to strike for civil servants.

5. During the previous constructive dialogue, the Committee had made recommendations relating to the areas of housing, social care and child poverty. The Government had placed those issues high on its political agenda. Steps had been taken to uphold the right to housing, including through a planned amendment to the Basic Law (the constitution) to grant earmarked financial subsidies for the building of additional social housing and the allocation of €2 billion for social housing over the 2020–2021 period. A housing summit had also recently been held to discuss the housing crisis and a cap on rental increases had been introduced to strengthen tenants' rights. Regarding care services, the Government had taken steps to improve the conditions in care institutions, had doubled benefits for home care under the statutory care insurance system and had increased benefits for inpatient care by 40 per cent. It had also launched an emergency programme for nursing and elderly care and drafted a bill to strengthen the number of nursing staff by more than 13,000 posts. While the national social security system offered good levels of protection, additional steps had been taken to combat child poverty. A package of measures had been put together focusing on single parents and large families. The Government was also planning to increase the amount of child benefit and other allowances available to low-income families and to strengthen education and participation benefits for them.

6. **Mr. Dasgupta** (Country Rapporteur), welcoming the State party's efforts to implement the Covenant, said that he would like to know whether the Government intended to ratify the Optional Protocol in the near future. Despite the fact that the State party had steadily increased its official development assistance, the 2015 data provided in the report showed that the country had fallen short of the target of 0.7 per cent of gross national income (GNI). The Committee would therefore be grateful for further information on the amount of official development assistance provided during the 2016–2018 period. It would

also welcome the delegation's comments on reports that the Basic Law failed to enshrine all the rights set forth in the Covenant.

7. Noting the lack of relevant information in the report, he wished to know how effective national legislation had been in preventing churches from discriminating against adherents of other faiths when making non-ecclesiastical appointments in church-run institutions such as schools, hospitals and nursing homes. Further clarification as to whether such legislation prohibited churches from dismissing non-ecclesiastical employees in same-sex marriages would be welcome. He would also appreciate further clarification of paragraph 30 of the State party's replies to the list of issues, as contained in E/C.12/DFU/Q/6/Add.1, in which it had been stated that anti-discrimination legislation permitted differing treatment of individuals on grounds of religion or beliefs under certain conditions, which constituted a violation of the State party's obligations under the Covenant.

8. In view of the State party's reported difficulties in reducing greenhouse gas emissions by at least 40 per cent by 2020, he wished to know what measures would be adopted to ensure that Germany would meet its 2030 target of reducing emissions by at least 55 per cent, and whether the State party intended to transform its national target into an international commitment under the Paris Agreement. He would also be grateful for detailed information on the State party's position regarding the assessment and monitoring of the impacts of the European Union Common Agricultural Policy on low-income food deficit countries prior to the upcoming negotiations concerning the reform of the policy. Further clarification of Germany's position regarding the inclusion of data exclusivity provisions in the European Union Preferential Trade Agreements with developing countries and the impact of such provisions in delaying access to inexpensive generic medicines in poorer countries, with adverse impacts on the right to health, would also be welcome.

*The meeting was suspended at 10.30 a.m. and resumed at 10.40 a.m.*

9. **Mr. Boehning** (Germany) said that the Government had relaunched the process of considering the ratification of the Optional Protocol at the start of the current legislative term. Given the number of stakeholders involved, the complexity of the task and the far-reaching implications, the process had not yet been completed and would take some time. The Government hoped to formulate a position on the issue soon. The official development assistance target of 0.7 per cent of GNI had been reached for the first time in 2016. Despite the Government subsequently increasing its contributions, that target had unfortunately not been met over the 2017–2018 period. The Government would consider the issue closely when devising the 2019 national budget. The Basic Law enshrined all the rights set forth in the Covenant and there were no plans to amend it at the current time.

10. Concerning the application of anti-discrimination laws, churches did not have complete leeway in their actions but, like other organizations, were bound by the Basic Law and were required to adhere to human rights principles. The case law of the Federal Constitutional Court established that a balance must be found between human rights on the one hand and churches' right to self-determination on the other. The question of whether churches could require employees to conform to their religious ethos had been contested before the European Court of Justice, notably in the *Egenberger* and the *IR v. JQ* cases, which had resulted in churches' right to self-determination being restricted. In the *Egenberger* case, the European Court of Justice had ruled that the requirement of religious affiliation for employment within a church must be amenable to effective judicial review; similarly, in the *IR v. JQ* case, it had ruled that churches could not decide to require their employees to act with loyalty to their ethos without that decision being subject to effective judicial review. Under the General Act on Equal Treatment, the German courts must now review those cases; it would be up to the Federal Labour Court to consider and implement the decisions of the European Court of Justice. The courts had not yet heard any cases concerning the dismissal of an employee on the grounds of having entered into a same-sex marriage.

11. In respect of the commitments undertaken under the Kyoto Protocol to the United Nations Framework Convention on Climate Change, it was true that Germany would probably not meet its 2020 target. However, the Government remained committed to its

2030 target of reducing greenhouse gas emissions by at least 55 per cent compared with 1990 levels. Germany had pledged €750 million to the Green Climate Fund, of which €55 million had already been allocated. Moreover, a commission on growth, structural change and employment had been established, which sought to involve stakeholders in finding solutions for the phasing out of lignite production and securing investment so as to boost employment in affected regions.

12. Regarding the European Union Common Agricultural Policy, Germany supported increased market orientation and was the only member State that had chosen not to make "coupled payments" linked to production.

13. **Mr. Dietz** (Germany) said that in the European Union supplementary protection certificates extended patent protection for medicinal products. The European Commission had proposed the introduction of a waiver to those certificates, whereby European Union-based companies would be entitled to manufacture a generic or biosimilar version of a protected medicine during the term of the certificate, if done exclusively for the purpose of exporting to a non-European Union market where protection had expired or never existed. Germany adopted a balanced approach in that area, seeking to take account of the legitimate interests of both manufacturers and patients, and the Government was currently developing its position on the proposal.

14. **Mr. Sadi** said that he was pleased the Government intended to ratify the Optional Protocol, which he regarded as a litmus test that showed when States parties were serious about meeting their Covenant obligations. He wondered whether the Government was concerned about the financial implications of ratifying the Optional Protocol, which he believed were less than those entailed by implementation of the Covenant. Lastly, he asked how successful German society had been in integrating recent immigrants and whether there was any sign of a backlash against the newcomers.

15. **Mr. De Schutter** (Country Task Force), drawing attention to the Committee's general comment No. 24 on State obligations under the Covenant in the context of business activities, asked whether it would be deemed unacceptable if a significant number of large companies decided to ignore the National Action Plan on Business and Human Rights by not applying human rights due diligence in their supply chains and in the multinational groups that they controlled. Did the voluntary approach to due diligence risk distorting competition between companies operating in the same sector? And was that approach consistent with the expectation that all companies should cooperate with the National Contact Point for the OECD Guidelines for Multinational Enterprises?

16. The Committee was concerned that some countries were not adequately assessing the risk that arms exports posed in terms of their impact on economic, social and cultural rights. Recalling that Germany had ratified the Arms Trade Treaty, under which risk assessments must be conducted prior to the granting of export licences, he welcomed the Government's decision to suspend future arms sales to parties to the conflict in Yemen and asked what lessons had been learned from the mistakes of the past. How did the Government plan to improve risk assessment, and would it take into account the risk that receiving Governments might divert resources from much-needed social investment in order to buy weapons?

17. **Mr. Uprimny** said that, although Germany had made a number of improvements to recognize and guarantee the rights of transsexual persons, he was concerned that the relevant legal framework dated from the 1980s and included outdated terms such as "gender identity disorder", which led to the unnecessary pathologization of transgender people. Therefore, he was interested to know whether Germany intended to bring its legal framework into line with contemporary human rights standards.

18. Furthermore, observing that the State party wielded significant influence in international institutions such as the European Union and the International Monetary Fund and had played a role in the imposition of austerity measures on countries such as Greece, he asked how the Government viewed its responsibility to guarantee economic, social and cultural rights in other countries.

19. **Mr. Abdel-Moneim**, drawing attention to paragraph 25 of the State party's replies to the list of issues, which contained a table of figures on public expenditure on areas such as education, health and housing between 2007 and 2016, said that he would welcome the delegation's opinion as to whether public expenditure in those areas had increased sufficiently during that period, in view of the relative strength of the German economy. The Committee would be grateful for an explanation of how the Government defined the "maximum of available resources", as referred to in article 2 of the Covenant.

20. **The Chair** said that the Act on the Equal Participation of Women and Men in Executive Positions in the Private Sector and Public Service of 2015 applied only to listed companies; she was interested to know what steps might be taken to ensure that women were represented on the boards of non-listed companies. Considering that the tax system and the system of non-contributory insurance for married partners with low incomes were disincentives for married women to participate in employment, she asked how the Government planned to combat the perpetuation of gender roles and stereotyping, including the portrayal of women in the media.

21. **Mr. Dasgupta** said that, while he understood that Germany had committed itself to the climate change target of reducing greenhouse gas emissions by 55 per cent by 2030, he would like to know whether that commitment was also an international obligation that had been communicated as a nationally determined contribution under the Paris Agreement. Moreover, he would be grateful for clarification of Germany's position regarding his concern that the European Union compelled developing countries to accept data exclusivity provisions in the framework of preferential trade agreements, with the consequence that generic drugs had to undergo tests that had already been carried out on the identical patented drug, delaying their introduction and increasing their cost, with negative impacts on poorer countries.

22. **Mr. Chen** said that he was interested to know more about the equal rights and entitlements of the State party's nationals, considering that some decades had elapsed since German reunification and that wide economic gaps had initially existed between citizens of the former western and eastern parts of the country. Information might be provided about inequalities or unequal treatment that persisted as a result of that situation, including those caused by policies, mentalities or culture.

*The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.*

23. **Mr. Boehning** (Germany) said that ratification of the Optional Protocol was an important measure that represented a step forward for the country. As it was a stated aim in the current Government's coalition agreement, he was confident that consensus would soon be reached and a solution found. Financial implications were not an obstacle to ratification.

24. It was too early to state whether efforts to integrate refugees had been a success or a failure. The Government had responded to the disruptive inflow of refugees that had occurred in 2015 and subsequent years by engaging in continuous consultations with the federal states and municipalities and had realized that, in addition to housing the refugees in a dignified way and meeting their health needs, efforts were required to support the integration of those who were likely to stay, either because they were unable to return to their country of origin or because they were entitled to asylum. Measures that had been adopted included the teaching of the German language and awareness-raising about German institutions and administrative processes. All refugees who were required to attend school were able to access the education system. Moreover, recognizing that refugees had different backgrounds and qualification levels, the Government had adopted a joint integration strategy with modules for different target groups on aspects such as language learning, vocational training, education and social integration. It had also adopted the "3+2 rule", whereby refugees who were likely to stay in the country could take a three-year vocational training course and would be entitled to work for two years after its completion, thus providing them with a solid vocational foundation that would allow them to contribute to the reconstruction of their country of origin, should they return. Given that integration usually took many years, it was not yet possible to draw final conclusions, but the Government would continue to provide access to education and the labour market and to strive to ensure social inclusion at the local level.

25. According to the National Action Plan on Business and Human Rights, by 2020 at least half of German companies with more than 500 employees must have arrangements for meeting their corporate due diligence obligations effectively in place as part of their business processes. According to the current Government's coalition agreement, a failure to reach that goal would trigger further action by the Government, including the adoption of legislation. Similar legislation had already been adopted in other countries, including France. The Government was raising awareness in the corporate world and was providing companies with tools to implement human rights due diligence on a voluntary basis.

26. **Ms. Baun** (Germany) said that it was expected under the National Action Plan that all companies should demonstrate corporate due diligence. The commitment was voluntary for the time being, but a failure to meet the established goals would likely result in legal obligations being imposed. The Government was mindful of the need to work with its partners within the European Union and throughout the world to ensure that comparable rules were applicable everywhere. Germany had thus raised the question of corporate due diligence during its recent presidencies of the G7 and G20 meetings, for instance. An interministerial committee ensured contact with all stakeholders, and a stakeholders' forum issued recommendations for implementation of corporate due diligence in the country.

27. **Mr. Boehning** (Germany) said that the Government's contacts with businesses was a source of pride and that German consumers were very aware and mindful of human rights issues in supply chains.

28. The Government only authorized arms exports if it could ascertain the final destination, and in case of doubt it rejected the export application. In 2018, 89 such applications had been rejected, representing some €14.2 billion. The Government had since May 2017 monitored deliveries of arms after their shipment to ensure that they were not diverted. With Switzerland, Germany was one of the few States that carried out such post-shipment inspections.

29. The Government considered that it was important to protect and encourage diversity within society. The Federal Constitutional Court had ruled in 2017 that the State should accept a third gender, and in August 2018 the Cabinet had approved draft legislation that would pave the way for implementation of the decision. Another draft law was aimed at changing the rules applicable to transgender persons.

30. **Mr. Kamperhoff** (Germany) said that the legal framework for family affairs dated back to the 1980s and was not always in line with the situation and language currently in use in German society. For instance, same-sex marriage had been recognized in Germany only one year earlier. The Government was in the process of amending the law to allow for a third option when people declared their gender, and it was already possible for the parents of newborns to abstain from declaring their children's gender, for instance in cases where the sex of the child was unclear. A draft law currently under consideration would, if adopted, establish that it was not necessary to assign a sex to transsexual person. The Government was adapting the law to current realities and understood the need for further reforms to bring it into line with social change.

31. **Mr. Boehning** (Germany) said that the European Stability Mechanism required that the European Commission should coordinate with the European Central Bank and the International Monetary Fund. The three parties had to agree on a memorandum of understanding, which set out financial assistance policies that were subject to certain conditionalities. The countries receiving assistance as part of the European Stability Mechanism had ratified the European Social Charter and were thus obliged to comply with its provisions. In Germany, there was a lively debate about the impact of financial assistance and the corresponding conditionalities, especially in respect of assistance provided to Greece.

32. Resources for education and housing were limited, as a balance must be struck between the requirements of various government ministries and between different political interests. The federal Government had to have a balanced budget, but it acknowledged the need to invest more in housing, and there was a consensus among the federal states and the Government that education also required increased support. As a result, it had been agreed that the federal states, which were nominally the ones responsible for education budgets,

would receive additional federal financial support for education programmes. Funding for education and housing would thus increase in the future. At the federal level the budget was balanced, so the maximum available resources for education were defined as a function of revenues and investment possibilities, but at the local level budget surpluses were often earmarked to improve education programmes. A massive expansion of childcare services and infrastructure was currently under way, funded in part from such surpluses.

33. **Mr. Kamperhoff** (Germany) said that a law that had entered into force in 2016 called for at least 30 per cent of the board members of companies to be of the underrepresented sex among the board membership. Failure to comply with the rule meant that empty places could not legally be filled, which could have serious repercussions, as the regulations of many companies required a quorum of board members to be present to adopt decisions.

34. **Mr. Boehning** (Germany) said that the Government was aware that the principle of equal pay for equal work was not applied universally and that an anti-discrimination law and an anti-discrimination office were needed at the federal level. The tax law had recently been adapted to make it easier to implement fairer taxation brackets that could eliminate the disadvantages of joint taxation of couples. The depiction of women in the media was the subject of study by media institutes at the federal state level. Such institutes were able to undertake proceedings to force radio and television stations to abstain from broadcasting content that sexualized women or perpetuated gender stereotypes. The country's targets for the prevention of climate change were determined by European Union regulations, which assigned contributions to each member State. The Government was committed to the aims of the Paris Agreement on climate change and was opposed to amending it. The Common Agricultural Policy was the subject of an internal discussion within the European Union, and the Government thus had no intention of taking unilateral action.

35. **Mr. Dietz** (Germany) said that the European Medicines Agency, a European Union body, was responsible for authorizing drugs for use by the population. The agency considered authorization from a purely scientific viewpoint, evaluating possible benefits and risks for European patients.

36. **Mr. Boehning** (Germany) said that Germany had been reunified for longer than the Berlin Wall had stood. Reunification had been a long process, and a progress report on reunification was due for presentation at the German parliament the following day. The report would comprehensively set out the details of the process and developments since reunification. The federal Government did not consider that reunification was complete. It continued to support the eastern federal states with specific programmes to improve skills and build and renovate infrastructure. Many of the tools initially designed to support the eastern states had in recent times also benefited underdeveloped areas in the western part of the country. Some parts of the east, including areas near Leipzig and Dresden, had developed rapidly and prospered, and they no longer required such assistance. While the infrastructure had been modernized and updated, there was still a need to invest in the new states, especially to ensure proper health care in rural areas. In November 2018 the federal cabinet would be discussing an initiative to support knowledge transfer, skilled labour and digital transformation to benefit small and medium-sized enterprises in the east, where large corporations were less well represented.

37. **Mr. Kedzia** (Country Task Force) said that the Committee had heard that there was a gap of some 1.2 million skilled workers in Germany, and that the Government was considering easing its immigration laws in order to accommodate an influx of skilled workers. It would be of interest to the Committee to hear whether the Government intended to conduct a human rights impact assessment of such a measure and whether it had plans to monitor its effect once it was under way. What steps were planned to ensure that foreign workers who arrived in Germany would benefit from social protection measures to ensure a decent standard of living while they were looking for employment? According to the data presented in an annex to the State party report, the employment situation of persons with disabilities had improved significantly. Was the trend continuing? The delegation was invited to elaborate on the fact that, notwithstanding such progress, a large proportion of companies that were required to hire persons with disabilities had failed to do so, and to explain why the labour force participation rate for women with disabilities was much lower

than those for other women and for men with disabilities. According to the report, many workers with disabilities were still employed in sheltered workshops. Were they covered by labour protection laws such as the minimum wage? A law adopted in 2017 on temporary agency workers, of whom there were currently over 1 million, allowed enterprises, in certain circumstances such as employment of under nine months' duration, to deviate from the practice of equal pay for equal work. The Committee had learned that somewhere between one half and three quarters of temporary agency workers held contracts of under nine months. A number of measures taken to ensure the competitiveness of the German economy or to combat unemployment thus came with high social costs. The encouragement of part-time employment, especially among women, had led to a gender gap in pensions and increased vulnerability to poverty among older women, while the increasing use of fixed-term instead of permanent contracts had led to a situation where workers had the same or similar obligations, but with reduced benefits. He would appreciate more information on the situation with regard to precarious employment in the State party. He would also be interested to hear about the progress the State party had made towards its target of reducing the gender pay gap to 10 per cent by 2020 and whether that target was likely to be reached.

38. He wished to know whether trade unionization was falling in the State party. It would be useful to learn about the forms of organized protest available to civil servants, given that they were banned from striking. He would welcome the delegation's comments on the designation of teachers as public servants, since not all teachers were categorized as providing essential services.

39. Despite the statutory prohibition on infringement of articles 6 and 7 of the Covenant, it appeared that in practice almost any job was considered to be acceptable employment for persons in receipt of unemployment benefits. Data received by the Committee showed that 40 per cent of all lawsuits challenging sanctions imposed on unemployment benefits were successful. The Committee had been informed that in 2016 the Social Court in Gotha had found sanctions to be unconstitutional and had referred the matter to the Federal Constitutional Court; an update on that case would be welcome.

40. Noting that the minimum subsistence level was calculated based on the expenditure of the lowest income group, he asked how the authorities assessed the impact of that calculation method on the effectiveness of social benefits from the perspective of the Covenant right to an adequate standard of living.

*The meeting was suspended at 12.20 p.m. and resumed at 12.30 p.m.*

41. **Mr. Boehning** (Germany) said that under Book II of the Social Code, basic income support was available to jobseekers who were citizens of other European Union member States on the same basis as German citizens. Freedom of movement granted such persons far-reaching rights, including a three-month exemption from formalities. Beyond that time frame, if they were not in employment they could be excluded from receiving financial benefits under certain conditions. They did not, however, lose their entitlement to emergency medical treatment. Social projects and support schemes were in place at the municipal level for migrants from within the European Union.

42. In 2016, the employment rate for persons with serious disabilities had stood at 4.7 per cent; the statutory target was 5 per cent. Companies not complying with the target were obliged to pay a compensation levy that was used to fund services for persons with serious disabilities. The new Federal Participation Act contained a large number of reintegration measures aimed at such persons, and long-term wage subsidies had been put in place for companies employing them. The authorities were engaged in awareness-raising activities in the business sector and operated a number of initiatives to support persons with severe disabilities who were employed outside sheltered workshops. The Act had strengthened the role of works councils within workshops and also made provision for the doubling of the work support allowance. Under the Act, income was no longer fully deducted from social security benefits.

43. One of the main aims of the Act Amending the Act on Temporary Agency Work and Other Acts, which had been passed in April 2017, had been to reduce competition between regular staff and temporary agency workers within companies. Temporary workers

were now entitled to equal pay after 9 months of employment, and the maximum assignment period had been capped at 18 months.

44. The basic income support package made it possible for earnings below the living wage to be topped up with in-work benefits. Draft legislation that would allow people to earn up to €1,300 without paying full social security contributions was being discussed in the Bundestag (national parliament). The minimum wage, which had been introduced in 2015, was being evaluated by an independent commission. In the coming years, the relationship between low-wage employment and social protection would be examined; it was important to ensure that being in work was financially worthwhile.

45. Another area of concern was self-employment. More than 2 million Germans were self-employed and were not protected by the social security system, particularly in the areas of welfare payments and old-age pensions. Individuals who were self-employed were currently obliged to enrol in either the statutory pension scheme or a private scheme. In the case of platform work, it was not always clear whether workers were employees or self-employed persons. Discussions would take place about how to tackle bogus self-employment via platforms and appropriate measures would be taken to combat it.

46. Under the coalition agreement, the number of fixed-term contracts would be drastically reduced, with companies permitted to employ only 2.5 per cent of their workforce on such terms. Regulations on repeated fixed-term, or "chain" contracts would also be introduced.

47. With regard to the gender pay gap, while the Government did not wish to move towards a tax-funded pension system, it did want to increase the employment rate among women from its current level of 77 per cent. An initiative had been introduced to enable employees to reduce the number of hours they worked during "family breaks" of between 1 and 5 years while retaining the right to return to full-time hours at the end of the break. The Cabinet had recently adopted a major pension package, which would ensure that the pension level was kept above 48 per cent and the contribution rate below 20 per cent until 2025. Women who had had children before 1992 were awarded an additional 2.5 years of pension rights in a bid to close the pension gap.

48. The major industrial and service sector trade unions were attempting to address the decline in membership. The proportion of employees covered by collective bargaining agreements had dropped to 57 per cent in western Germany and 44 per cent in eastern Germany. The Federal Ministry of Labour and Social Affairs and the Federal Ministry for Economic Affairs and Energy were working together to explore the possibility of a binding sector-wide collective bargaining agreement for long-term care workers.

49. While civil servants were prohibited from striking, their right to lifelong service was enforceable in court. The Government consulted the civil service trade unions before adopting legislation that would affect the sector.

50. With regard to acceptable employment, under Book III of the Social Code, members of the unemployment insurance scheme who were drawing unemployment benefits were not obliged to accept a job with a salary considerably lower than the one upon which the level of their benefits had been calculated. Persons receiving unemployment benefits were given support in finding new employment. The assertion that sanctions violated human rights was incorrect; the Government maintained a "rights and responsibilities" approach, meaning that anybody in receipt of financial assistance had a responsibility to make efforts to find employment. It was compulsory for beneficiaries to attend job centre appointments and make a contribution to their own reintegration into the labour market. A commission had been established to initiate social dialogue on the sanctions imposed on persons under the age of 25 years, which were stricter than those for other age groups.

51. The level of basic income support was recalculated every five years, based on a combination of data sources, and had been upheld by the Federal Constitutional Court. It was important to ensure that people earned more through employment than through unemployment benefits.

52. **Mr. De Schutter**, referring to the provisions of the International Labour Organization Employment Promotion and Protection against Unemployment Convention,

1988 (No. 168), asked how acceptable employment was defined. Was an unemployed person who was offered a job compelled to accept it notwithstanding the impact on his or her family members?

53. **Mr. Sadi** said that the delegation should provide a brief description of German cultural values, which he presumed migrant workers would be expected to accept and understand.

54. **Mr. Abdel-Moneim** said that he would appreciate clarification of whether the figures provided in paragraph 25 of the State party's replies to the list of issues represented total expenditure as a proportion of the budget or of the gross domestic product. Social security was not among the categories listed in that paragraph; it would be interesting to know where that area fitted into the picture. It would be helpful to learn what proportion of informal employment was illegal and vice versa.

*The meeting rose at 1 p.m.*